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In re Application of :
RUDINGER, et al. :
U.S. Application No.: 10/009,507 : COMMUNICATION
PCT No.: PCT/EP00/06092 :
Int. Filing Date: 29 June 2000 :
Priority Date: 22 July 1999 :
Attorney's Docket No.: RUDINGER ET AL-5 (PCT) :
For: PROCESS FOR THE SEPARATION AND :
PURIFICATION OF AN AQUEOUS MIXTURE :
COMPRISING THE MAIN COMPONENTS :
ACETIC ACID AND FORMIC ACID :

This communication is in response to applicant's papers filed 08 July 2002.

BACKGROUND

On 18 April 2002, applicant was mailed a communication indicating that the declaration filed 05 December 2001 was not in compliance with 37 CFR 1.497 (a)-(b). Specifically, the fifth listed inventor was listed and executed as "Barbara WILD" whereas the International Application lists the fifth inventor as "Barbara REIL." Applicant was instructed to provide either a declaration executed with the name which appears on the international application, "Barbara REIL" or in the alternative, a petition under 37 CFR 1.182 requesting that applicant's name be changed to "Barbara WILD." Applicant was afforded two months to file a proper response.

On 08 July 2002, applicant filed a newly executed combined declaration and power of attorney accompanied by a petition for a one-month extension of time and payment of the appropriate petition fee. As such, applicant's response is considered timely filed.

DISCUSSION

In the combined declaration and power of attorney filed 08 July 2002 the fifth inventor is identified and executed as Barbara REIL. As detailed above, applicant previously filed an executed declaration listing the fifth inventor as Barbara WILD. Thus, it is unclear if the true legal name of the fifth inventor of the present application is Barbara REIL or Barbara WILD.

Applicant's statement in the communication filed 08 July 2002 that the earlier Office communication required applicant to submit a declaration executed with the name that appears in

the International Application is a misrepresentation of the Office communication. If the inventor's name has since legally changed, the proper reply would be a petition under 37 CFR 1.182 as detailed below. If, on the other hand, the inventor's name has not changed, then a declaration executed with the name that appears in the published International Application, along with an explanation as to why a declaration was executed with a different name, would constitute a proper reply.

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

If the declaration filed 05 December 2001, in which the fifth inventor was listed and executed as "Barbara WILD", was executed in error, applicant should provide a statement detailing why the declaration was prepared and executed with the wrong inventor name.

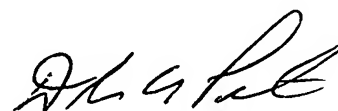
CONCLUSION

Applicant is hereby afforded TWO MONTHS from the mail date of this communication to furnish the proper reply as indicated above. Failure to file the reply within the time period provided will result in abandonment. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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